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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/127,571	07/31/1998	PAILY VARGHESE	COMP:0016	1413
1200	7590	04/28/2004	EXAMINER	
AKIN, GUMP, STRAUSS, HAUER & FELD 711 LOUISIANA STREET SUITE 1900 SOUTH HOUSTON, TX 77002			TRAN, KHOA H	
			ART UNIT	PAPER NUMBER
			3634	

DATE MAILED: 04/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/127,571	VARGHESE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Khoa Tran	3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 January 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 52-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 52-68 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 January 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

***Drawings***

The proposed drawings correction and/or the proposed substitute sheets of drawings, filed on January 30, 2004 have been approved.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 52-54, 56-60, 62-66, and 68 are rejected under 35 U.S.C. 102(b) as being anticipated by Good et al. ('256). Good et al. ('256) disclose a storage assembly of a computer mounting system (10) comprising:

a storage cabinet structure assembly (12);

a pair of rack members comprises a first pair of racks (14a and 16a) located on a first side of the storage cabinet structure assembly and a second pair of racks (14b and 16b) located on a second side of the storage assembly; the first side of the storage cabinet structure assembly is located opposite from the second side of the storage cabinet structure assembly;

a first support rail (52) having a recessed mounting portion that at least partially interposes between the first pair of racks (14a and 16a), see Figure 3; a first telescoping rail assembly (42a) being at least partially interposed between the first pair of racks (14a and 16a) mounted to the recessed mounting portion of the first support rail; the first

telescoping rail assembly (42a) comprises a first telescoping slide rail (44), see column 5, lines 11-16, mounted to the first support rail (52) and a second telescoping slide rail (50) mounted to the first telescoping slide rail (44); the first telescoping slide rail (44) of the first telescoping rail assembly does not extend beyond the first pair of racks (14a and 16a);

a second support rail (52) locates opposite from the first support rail and at least partially interposes between the second pair of racks (14b and 16b), the second support rail having a recessed mounting portion; a second telescoping rail assembly (42b) mounted to the recessed mounting portion of the second support rail and at least partially interposes between the second pair of racks (14b and 16b); the second telescoping rail assembly (42a) comprises a first telescoping slide rail (44) mounted to the second support rail (52) and a second telescoping slide rail (50) mounted to the second telescoping slide rail (44); the first telescoping slide rail (44) of the second telescoping rail assembly (42b) does not extend beyond the second pair of racks (14b and 16b);

a computer component enclosure (22) having a recess section at a lower bottom of the enclosure, see Figure 3, and slidably couples between first and second telescoping rail assemblies such that the computer component enclosure is slidably moved in and out of the storage cabinet structure assembly.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 55 is rejected under 35 U.S.C. 103(a) as being unpatentable over Good et al. ('256) as applied to claims 52-54, 56-60, 62-66, and 68 above, and further in view of Fall et al. ('097). Fall et al. ('097) teach a support rail (10) that is twice the size or twice the height of the rail assemblies (12). See Figure 1. It would have been obvious to one of ordinary skill in the art at the time of invention was made to substitute the support rail of Good et al. ('256) with the provision of the support rail that is twice the size or twice the height of the rail assembly as taught by Fall et al. ('097) in order to provide a choice of mounting the rail assembly on either the upper portion or the lower portion on each side of the support rail so that to suitable the desire arrangement of the computer component enclosure mounts thereon the rack.

Claims 61 and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Good et al. ('256) as applied to claims 52-54, 56-60, 62-66, and 68 above, and further in view of Hastings et al. Good et al. ('256) do not clearly teach the presence of more than one computer component enclosure mounted in the storage cabinet structure assembly. However, Hastings et al. teach more than one computer component enclosures (34) mounted in the storage cabinet structure assembly that is well known per se. See Figure 2. It would have been obvious to one of ordinary skill in the art at

the time of the invention was made to provide the storage cabinet structure assembly of Good et al. ('256) with at least two computer component enclosures as taught by Hastings et al. in order to house multiple computer components of computer system.

***Response to Amendment***

Applicants' arguments filed on January 30, 2004 have been fully considered but they are not persuasive.

With respect to applicants' arguments that Good et al. ('256) fail to establish a 102 rejection because Good et al. support rail (52) mounting portion is not "at least partially interposed between a pair of rack members", the examiner respectfully disagrees. It should be noted that the recitation of the mounting portion being "at least" partially interposed between a pair of rack members does not preclude Good et al. from anticipated under 35 USC § 102 rejection. In particular, note Figures 1 and 3 of Good et al. illustrate the recessed of mounting portion (54) supports the telescoping rail (44) and the recessed of the mounting portion being at least partially interposed between a pair of rack members (14a, 16a). Further, the mounting portion of the support rail (52) having a front end (54a) and a rear end (54b) affixed to respective flange members (18) that do not extend beyond the most forward and rearward extension of the pair of racks (14a, 16b), see Figure 3.

With respect to applicants' arguments that God et al. fail to teach a recessed mounting portion or a telescopic rail assembly that is at least partially interposed between a pair of rack members, the examiner respectfully disagrees. It should be

noted that Figure 1 of Good et al. illustrates the recessed of mounting portion (54) supports the telescoping rail assemblies (44 and 50) that at least partially interposed between a pair of rack members since the rail assemblies (44 and 50) are not attached beyond the rear of the rack members (16a, 16b).

With respect to the rejections based upon a combination of references, it appears that the rejections have only been argued to be improper because of the alleged deficiencies concerning the base claim, i.e., they stand or fall with respect to the rejection based on Good et al. ('256).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoa Tran whose telephone number is (703) 306-3437. The examiner can normally be reached on Monday through Thursday from 9:30 A.M. to 7:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun, can be reached on (703) 308-2156. The fax phone number for this Group before a final Office action is (703) 872-9306 and after a final Office action is (703) 872-9327.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Khoa Tran

April 21, 2004



LESLIE A. BRAUN  
SUPERVISORY PATENT EXAMINER